

NO. 72088

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office DEC 27 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed DEC 27 2004 under 71753

The applicant **Frehner Construction Company, Inc.**, hereby make application for permission to change the **Point of Diversion, manner & place of use** of a portion of water heretofore appropriated under Permit No. 12811, Certificate 4320

1. The source of water is **Underground**
2. The amount of water to be changed **75 acre feet, 10.36 acres**
3. The water to be used for **Mining & milling**
4. The water heretofore permitted for **Irrigation and domestic**
5. The water is to be diverted at the following point **NW¼ SW¼ of Section 13, T23S R60E, MDM or a point from which the South ¼ corner of said Section 13 bears S 48° 43' 51" E a distance of 2,368.21 feet.**
6. The existing permitted point of diversion is located within **NW¼ NW¼ of Section 3, T21S R62E, MDB&M or a point from which the NW corner of said Section 3 bears North 76° 32' West a distance of 216 feet.**
7. Proposed place of use **See attached exhibit "B"**
8. Existing place of use **a portion of the NW¼ of Section 3, T21S R62E MDB&M. The acreage to be removed from irrigation is 10.36.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Works are complete, permit #61720.**
12. Estimated cost of works **Works are complete, permit #61720**
13. Estimated time required to construct works **Works are complete, permit #61720**
14. Estimated time required to complete the application of water to beneficial use **2 years**

15. Remarks: This application is being submitted to supplements existing water rights owned by the Union Pacific Railroad Company. The well & POD described in item #5 are owned by the Union Pacific Railroad Company and will remain in their ownership. The combined duty under this application and application filed to change the decreed right #07656 shall not exceed 75.0 acre feet.

By Philip Nelson
s/ Philip Nelson
3920 West Hacienda
Las Vegas, NV 89118

Compared gkl/ sc lt/ _____

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion, place and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 12811, Certificate 4320 is issued subject to the terms and conditions imposed in said Permit 12811, Certificate 4320 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 67692, 68459, 68624, 69303, 70404, 70626, 71014, 71709-T, 71753, 71754, 71755, 72088, 72089 and 72090 shall not exceed 741.85 acre-feet annually.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and other wells within the place of use of this permit. Records shall be submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter. Separate reports shall be made for water pumped under permits and vested rights, and for water pumped under other authorization such as waivers. The monthly record shall identify water right permits and waivers from each well, and include the size, make, serial number, and meter location associated with a well.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.142 cubic feet per second, and not to exceed 51.8 acre-feet annually

Work must be prosecuted with reasonable diligence and be completed on or before:

N/A

Proof of completion of work shall be filed on or before:

N/A

Water must be placed to beneficial use on or before:

April 18, 2007

Proof of the application of water to beneficial use shall be filed on or before:

May 18, 2007

Map in support of proof of beneficial use shall be filed on or before:

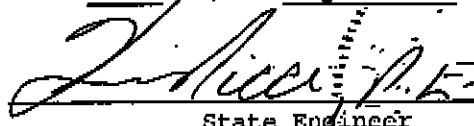
N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 20th day of September, A.D., 2005


State Engineer

Completion of work filed March 17, 2003 under 67692

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

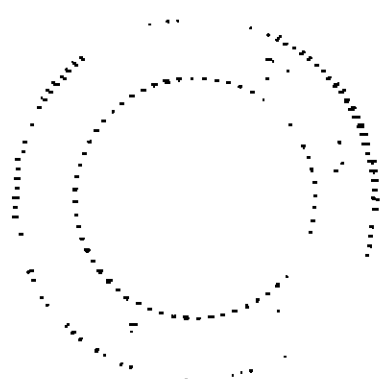


Exhibit "B""PROPOSED PLACE OF USE...."

"SE 1/4 SE 1/4 SW 1/4	SECTION 13 T23S R60E
NE 1/4 SE 1/4 SW 1/4	SECTION 13 T23S R60E
N 1/2 S 1/2 SE 1/4	SECTION 13 T23S R60E
N 1/2 NW 1/4 SW 1/4	SECTION 13 T23S R60E
SE 1/4 NW 1/4	SECTION 13 T23S R60E
SE 1/4 NW 1/4 SW 1/4	SECTION 13 T23S R60E
NE 1/4 SW 1/4	SECTION 13 T23S R60E
N 1/2 SE 1/4	SECTION 13 T23S R60E
S 1/2 SW 1/4 NW 1/4	SECTION 13 T23S R60E
NE 1/4	SECTION 13 T23S R60E
NE 1/4 NE 1/4 NW 1/4	SECTION 13 T23S R60E
S 1/2 NE 1/4 NW 1/4	SECTION 13 T23S R60E
SE 1/4 SW 1/4	SECTION 12 T23S R60E
SW 1/4 SE 1/4	SECTION 12 T23S R60E"

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